

## DETAILED ACTION

1. Claims 24-41 have been examined.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 24-41 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Based on Supreme Court precedent a method claim must (1) be tied to a particular machine or apparatus (see at least *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876)) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing (see at least *Gottschalk v. Benson*, 409 U.S. 63, 71 (1972)). A method claim that fails to meet one of the above requirements is not in compliance with the statutory requirements of 35 U.S.C. 101 for patent eligible subject matter. To correct this issue, the independent claim could be amended such that at least one significant feature (not just data gathering or outputting) of the body of the claims actively uses a technological apparatus (computer, server, processor, etc).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 24-30, 32-39, and 41 are rejected under 35 U.S.C. 102(a) as being anticipated by Ota (2002/0152021).

Claim 24: Ota discloses a method for providing navigational instructions to a person traveling in a vehicle, the vehicle having a navigation system therein, comprising:

inferring an interest of a person traveling in a vehicle (Figures 13, 14, 17; [12]);  
identifying a potential vehicle target destination relating to the inferred interest of the person (Figures 13, 14, 17; [12]); and  
providing navigational instructions that correspond to the potential vehicle target destination (Figures 15, 16, 18, 20; [58]).

Claims 32, 25: Ota discloses a method for distributing promotional information to a person located in a vehicle, the vehicle having a vehicle navigation system therein, comprising:

determining information pertaining to operation of the vehicle (Figures 13, 14, 17; [12]);  
inferring an interest of the person based in part on the information pertaining to the operation of the vehicle (Figures 13, 14, 17; [12]); and  
communicating promotional information relating to the inferred interest of the person located in the vehicle (Figure 16, 20).

Claim 26, 33: Ota discloses the method of claim 25, wherein said determining information pertaining to the operation of the vehicle includes receiving information relating to previous vehicle operation (Figure 17). Note that Figure 17 discloses tracking the amount of

time since the start of driving. Hence, Figure 17 tracks the starting or ignition of the vehicle at a certain point in time.

Claims 27, 34: Ota discloses the method of claim 26, wherein said receiving information relating to previous vehicle operation includes receiving information relating to a time since a last stop (Figure 17).

Claims 28, 35: Ota discloses the method of claim 25, wherein said determining information pertaining to the operation of the vehicle includes receiving information relating to present vehicle condition (Figure 19; [93, 94]).

Claims 29, 36: Ota discloses The method of claim 28, wherein said receiving information relating to present vehicle condition includes receiving information relating to automated fault detection associated with the vehicle (Figure 19; [93, 94, 65]).

Claims 30, 37: Ota discloses the method of claim 25, wherein said determining information pertaining to the operation of the vehicle includes receiving information relating to future vehicle operation (Figures 1, 3; [2]).

Claim 38: Ota discloses the method of claim 37, wherein said receiving information relating to future vehicle operation includes receiving information relating to a target destination (Figures 1, 3; [2]).

Claim 39: Ota discloses the method of claim 38, wherein said receiving information relating to a target destination includes receiving information relating to at least one available route between a current location and a target destination (Figures 1, 3; [2]).

Claim 41: Ota discloses the method of claim 32, further comprising: determining a target vehicle destination for the vehicle ([58]; Figure 3); and inferring an interest of the person based in part on the target vehicle destination (Figure 3; [58, 82]).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 31, 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Obradovich (6,148,261).

Claim 31, 40: Ota discloses the above. Ota further discloses determining a target vehicle destination for the vehicle ([58]; Figure 3). Ota does not explicitly disclose said receiving information relating to future vehicle operation includes receiving information relating to an estimated time until arrival at a target destination.

However, Obradovich discloses said receiving information relating to future vehicle operation includes receiving information relating to an estimated time until arrival at a target destination (col 8, lines 16-23).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Obradovich's time estimates to Ota's travel

destinations. One would have been motivated to do this in order to present travel information of interest to the user.

### ***Conclusion***

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

a) Kubota (6,430,500 - Figures 10, 11, 12) and Whitsell (7,203,598) disclose relevant features.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (571) 272-6718. The examiner can normally be reached on Mon- Fri, 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3622

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